

"FULLY EXECUTED"

AGREEMENT NUMBER  
97-T1473

AMENDMENT NUMBER  
1

REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below

STATE AGENCY'S NAME

Department of Toxic Substances Control

CONTRACTOR'S NAME

U.S. Environmental Protection Agency (Superfund)

2. The term of this

Agreement is: September 30, 1997 through

September 30, 2009

3. The maximum amount \$523,292.00

of this Agreement is: Increase by \$92,000.00.

4. The parties agree to this amendment as follows. All actions noted below are by this reference made a part of the Agreement and incorporated herein:

INCREASE dollar amount by \$92,000.00 from an original amount not to exceed \$431,292.00 to an amended amount not to exceed \$523,292.00.

ADD revised Scope of Work, Exhibit A, 3 pages and by this reference made a part hereof.

All other terms and conditions shall remain the same.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR

CALIFORNIA  
Department of General Services  
Use Only

CONTRACTOR'S NAME (If other than an individual, state whether a corporation, partnership, etc.)

U.S. Environmental Protection Agency (Superfund)

BY (Authorized Signature)

See attached for official signature.

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

Keith Takata Director

ADDRESS Superfund Division

75 Hawthorne Street, SFD-1

San Francisco, CA 94105

STATE OF CALIFORNIA

AGENCY NAME

Department of Toxic Substances Control

BY (Authorized Signature)

See attached for official signature.

DATE SIGNED (Do not type)

PRINTED NAME AND TITLE OF PERSON SIGNING

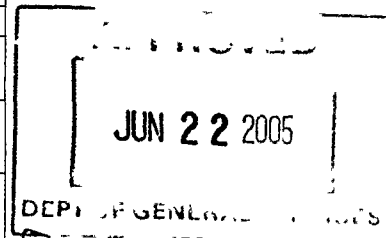
Sandra Poindexter

Chief, Contracts and Business Management Branch

ADDRESS

P.O. Box 806

Sacramento, CA 95812-0806



☐ Exempt Per \_\_\_\_\_

**FIRST AMENDMENT TO THE STATE SUPERFUND CONTRACT FOR THE  
BROWN & BRYANT SUPERFUND SITE, FIRST OPERABLE UNIT**

The United States Environmental Protection Agency ("EPA") and the California Department of Toxic Substances Control ("DTSC") hereby enter into this First Amendment to the Brown and Bryant, Arvin Facility, First Operable Unit State Superfund Contract ("First Amendment"), contract No. 97-T1473, entered into by EPA and DTSC on September 29, 1997 ("Contract"). The contract is amended as follows:

I. Paragraph 16(A)(i) is added to the Contract to state:

The total costs of mobilization, set up, tank-drum removals, cap construction, earthwork, sampling and analysis during construction, construction of the soils remediation/capping and construction of a groundwater/soil vapor extraction and treatment system, installation of an effluent disposal system, and operation and maintenance through March 31, 2006 as described in the SOW, excluding EPA's indirect, intramural costs and costs encompassed in the State Superfund Contract are estimated to be \$5,232,919, as of the date of signature of this First Amendment. The State's total share for work completed under the original SSC and additional work conducted under this First Amendment to the SSC is \$523,292. To date, the State has paid \$431,292 towards this total. Therefore the State's additional cost share obligation under this First Amendment is \$92,000. The First Amendment addresses the period from March 1, 2003 through March 31, 2006.

II. The sixth sentence of Paragraph 16(B)(I) is modified to state:

The State assures payment of its cost share obligation for actual remedial action costs for the First Operable Unit, which shall be settled at reconciliation pursuant to Paragraph 32 below, and which shall not exceed \$523,292.

III. The page entitled "Brown And Bryant, Inc. Arvin Superfund Site, Construction Cost Estimate" in the Statement of Work is modified as follows:

Brown and Bryant, Inc. Arvin Superfund Site, Construction Cost Estimate through March 31, 2006.

Preparation Work, Mobilization and site set-up	\$ 182,261.16
Preconstruction Submittals	\$ 450,393.87
Clearing and Grubbing	\$ 41,000.00

Demolition	\$ 285,521.00
Tank/Drum Removals	\$ 56,411.00
Earthwork	\$ 270,651.00
Well Construction	\$ 597,643.00
RCRA Cap Construction	\$ 415,281.56
Building Construction	\$ 0.00
Construction of Extraction/Treatment System	\$ 96,565.00
Non-RCRA Cap Construction	\$ 518,143.00
Project Close-out	\$ 100,000.00
One Year of Operation and Maintenance (O&M)	\$ 1,069,882.71
Additional O&M through 3/31/06	<u>\$ 1,149,166.00</u>
Total Costs	\$ 5,232,919.30

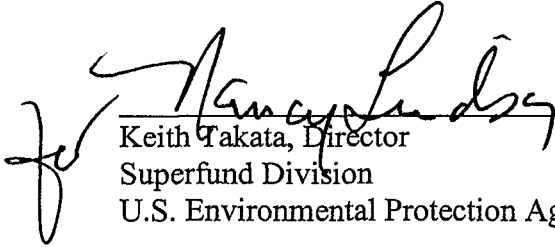
(Construction costs include a 10 percent construction management cost, a 10% design contingency, and a 15 percent construction contingency)

Except as amended by this First Amendment, the provisions of this Contract remain in full force and effect.


This First Amendment shall take effect upon the date when this First Amendment is fully executed by the parties.

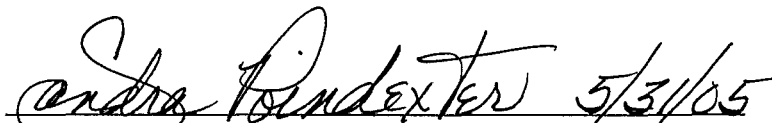
In witness whereof, the parties hereto have executed this First Amendment in five (5) copies, each of which shall be deemed an original.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

  
\_\_\_\_\_  
Keith Takata, Director  
Superfund Division  
U.S. Environmental Protection Agency, Region IX

**STATE OF CALIFORNIA**

  
\_\_\_\_\_  
B.B. Blevins, Director  
Department of Toxic Substances Control  
California Environmental Protection Agency

 5/3/05  
\_\_\_\_\_  
Sandra Poindexter, Chief  
Contracts and Business Management Branch  
Department of Toxic Substances Control  
California Environmental Protection Agency

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Department of General Services Use Only